

UNITED STATES DISTRICT COURT
for the

District of South Dakota

FILED

NOV 21 2016


Clerk

United States of America

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v.

Roberta Featherman

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Case No. 5:16-mj-194

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August of 2016 in the county of _____ in the

District of South Dakota, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C § 113(a)(6)	Assault Resulting in Serious Bodily Injury

This criminal complaint is based on these facts:

See affidavit

Continued on the attached sheet.



Complainant's signature

Mark Lucas, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

11-21-16



Judge's signature

City and state:

Rapid City, SD

Daneta Wollmann, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
NOV 21 2016
John CLERK

UNITED STATES OF AMERICA,

5:16-mj-194

Plaintiff,

AFFIDAVIT FOR CRIMINAL
COMPLAINT

vs.

ROBERTA FEATHERMAN,

Defendant.

I, Mark Lucas, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since September 2008. Currently, I am assigned to the Rapid City Resident Agency, Minneapolis Field Office, where my responsibilities include the investigation of criminal matters. During my tenure in the FBI, I have investigated violent crime, Indian Country investigations, bank robberies, drug violations, fugitives, kidnapping, counter terrorism and other various violations of the United States Code. As a Federal Agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with authority to execute warrants issued under the authority of the United States.

2. The information set forth below is based upon my knowledge of an investigation conducted by FBI Special Agents and the investigation of other law

enforcement agents and officers including, but not limited to, the Bureau of Indian Affairs (BIA) and the Oglala Sioux Tribe Department of Public Safety (OSTDPS). I have not included each and every fact obtained pursuant to this investigation, but have set forth those facts that I believe are essential to establish the necessary probable cause for the issuance of the criminal complaint.

PROBABLE CAUSE

3. On November 11, 2016, OSTDPS Officer Ronald Red Owl was dispatched to a reported assault occurring at Robert Featherman's house, [REDACTED] Potato Creek Housing, Medicine Root District, within the exterior boundaries of the Pine Ridge Indian Reservation. There was also a report that a party was breaking out the windows at [REDACTED]. Upon arrival, Red Owl was approached by a neighbor who identified a group of intoxicated persons inside [REDACTED]. Red Owl knocked repeatedly on the door but no one answered. He observed a broken screen door and another broken window on the residence. After knocking for a while, Officer Red Owl saw Harold Red Owl and Roberta Featherman open a window. Officer Red Owl requested they open the door and after significant delay, Harold opened the door but still did not want Officer Red Owl to enter. Harold told the officer he didn't want to damage the screen door any further. Eventually he let Officer Red Owl and Officer Tim Peete, who had then joined, enter the home.

4. Upon entering the home, Officer Red Owl found Jeff Shoulders hiding in a closet and he had an abrasion on his forehead. They also located

Tressa Means Featherman, who admitted to being intoxicated. Both were arrested for violation of the Tribal liquor laws. They continued to look for Roberta Featherman, who Officer Red Owl believed sounded intoxicated when he initially spoke to her through the window.

5. Officer Peete located two children, initially thought to be infants, laying on the floor by the wall and covered with blankets, as if to hide them. The children were later identified as 3-year-old [REDACTED] and 2-year-old [REDACTED]. Both children were wearing only diapers and were not clothed. The Officers immediately recognized the children were emaciated and looked to be starving. The Officers described that they could see every curve of the children's bones. Officers immediately called an ambulance. The children were taken to Pine Ridge then to Rapid City Regional Hospital (RCRH) where they are currently being treated for near-starvation.

6. At RCRH the children were weighed, and [REDACTED] weighed approximately 13 lbs. The average child of that age weighs between 30-40 lbs. [REDACTED] also weighed 13 lbs., which is also extremely below the weight she should have been for her age. Additionally, [REDACTED] was suffering from a deep bed sore on her left hip which was all the way to the bone and would likely require surgical repair. The children were also infested with lice.

7. Your affiant spoke to Pediatrician Dr. David Mueller on November 16, 2016, and he stated the children would have died had they not been found. He also explained that starvation to that level would have been extremely painful as would [REDACTED]'s bed sore and in his opinion would rise to the level of serious

bodily injury. He also stated that the best way to describe the extreme level of starvation the children suffered was that they looked like Jewish persons from World War II Concentration Camps. Dr. Mueller also added that the psychological and emotional impacts of this type of extreme abuse would be just as painful if not more, than the physical impacts.

8. Multiple adults were arrested for tribal offenses of intoxication and child abuse/neglect, including Roberta Featherman and Harold Red Owl Sr., who lived at [REDACTED] Potato Creek Housing. Also arrested was Terry Featherman, Sr., who occasionally stayed at the house, as well as, Tressa Means Featherman and Jeff Shoulders, who were located in the house. All three of them would have been able to observe the condition of the children, yet did nothing. Additionally, [REDACTED] Darshan Featherman, the victims' aunt was arrested because the investigation showed she was the custodian of [REDACTED] and allowed her to get to that grave condition.

9. Your affiant observed the images taken of the children by OST officers and agree the suffering and dire condition of the children would be unmistakable to anyone who observed them.

10. [REDACTED] and [REDACTED] are the biological daughters of [REDACTED] [REDACTED] [REDACTED] dropped off [REDACTED] with her mother, Roberta Featherman and [REDACTED] with her sister, [REDACTED] Featherman approximately three-months prior to their arrests.

11. On November 11, 2016, two additional minor children, [REDACTED] and [REDACTED] who were living in [REDACTED] Potato Creek, were removed from the home and

placed in emergency foster care. On November 16, 2016, [REDACTED] and [REDACTED] were forensically interviewed in Rapid City, SD. [REDACTED] is a 17-year-old sister of both [REDACTED] and [REDACTED]. [REDACTED] is their 10-year-old cousin. [REDACTED]’s mother is [REDACTED] [REDACTED]. [REDACTED] and [REDACTED] confirmed that Roberta and Harold were the victims’ primary caregivers and [REDACTED] said that she “felt bad” for the victims because they were “skinny” and “starving.” [REDACTED] also stated that Roberta and Harold did not like to feed the girls too much and that many other people saw the victims and “don’t like it” but they did nothing to help. [REDACTED] stated that [REDACTED] and [REDACTED] started looking “really skinny” in September, possibly October (2016). She also stated that when other people cared for the children they looked okay. [REDACTED] stated that she heard Roberta say she should take the kids to the doctor several weeks before the police came, but she never did. She also said she heard Roberta say that they needed to hide the victims from the police because of how bad they looked. [REDACTED] provided that instead of taking care of the children, Roberta would drink and several other individuals would come to the house to drink as well.

11. [REDACTED] also stated that [REDACTED] was [REDACTED]’s guardian and she commonly brought [REDACTED] back and forth from [REDACTED]. [REDACTED] stated in her interview, that [REDACTED] would drop off [REDACTED] at the residence and then take off for long periods of time. [REDACTED] described that Roberta would become resentful because she would have to take care of [REDACTED] along with having to care for [REDACTED] and believed [REDACTED] should take back custody of the girls. [REDACTED] provided that instead of taking care of the children, Roberta would drink and

several other individuals would come to the house to drink as well. [REDACTED] provided that this occurred in September, or October 2016.

12. On November 18, 2016, agents, including your affiant, executed a search warrant on Roberta Featherman's residence. In the residence they found plentiful food, but it was located in bedrooms, particularly in Roberta's room. This is consistent with [REDACTED] and [REDACTED]'s account that the other family members would hide their food from [REDACTED] and [REDACTED] so the victims would not "steal" the food. Additionally, agents located paperwork from the OST Child Protective Services (OSTCPS), which indicated Roberta signed documents acknowledging guardianship of [REDACTED].

13. At the same time, agents also executed a warrant on [REDACTED]'s home and also found plentiful food.

14. On November 18, 2016, I interviewed Roberta Featherman and she had no reaction to the photographs depicting the emaciated victims and seemed not to care. However, when pushed, she agreed that they were not healthy. At first she denied [REDACTED] and [REDACTED] were in her custody. But when she was confronted with the OSTCPS documents located in her house, she admitted she was the guardian but only of [REDACTED]. She said [REDACTED] gave [REDACTED] to [REDACTED]. She claimed [REDACTED] dropped the kids off on her and then disappeared. Roberta stated the kids were eating but could not provide details as to what they were eating.

15. I also interviewed Harold Red Owl. He initially claimed he was not at home very often, but when confronted that all of his personal items were

located there, he admitted to living there. He admitted he saw the kids and they did not look healthy, but added that they were not his "responsibility." He stated when people would come over to the residence, a clothesline was strung up and a sheet placed over it, to hide the children. He said the victims would "steal" food which was why they all hid food in their rooms. Harold, like Roberta, had no reaction to the photographs depicting the dire condition of [REDACTED] and [REDACTED] leaving agents with the impression, he too did not care about the children.

16. I also interviewed [REDACTED]. She said that about eight months ago, [REDACTED] dropped [REDACTED] off and left her for [REDACTED] to care for. [REDACTED] stated she went back and forth between her residence and her mom's residence and was able to observe the unhealthy condition of both victims. [REDACTED] admitted to paying Roberta with alcohol to compensate her for babysitting. She indicated she felt bad for the condition of the kids but felt powerless to do anything about it because, she described Roberta as very domineering.

17. I also interviewed 19-year-old Rainbow Spoonhunter, who also resided at Roberta's house during the time of the abuse. She admitted to knowing about the victims' condition and that everyone in the home knew of the victims' dire condition. She added that because of her age and circumstances she could not do anything about the victims' condition. She also felt overpowered by Roberta and was concerned of Roberta's reaction if she attempted to intervene on the victims' behalf.

18. Terry Featherman, the victims' uncle, admitted to living at Roberta's house and knowing about the victims' unhealthy condition and of [REDACTED]'s hip

sore. He said their health seemed to decline in the last month but did not do anything about it because he was not their caretaker.

19. Jeff Shoulders was interviewed and attempted to downplay his time at Roberta's home, but did admit to being there and seeing the unhealthy condition of the victims.

20. FBI Task Force Officer Brett Garland attempted to interview Tressa Means Featherman, but was unsuccessful. Through an interview with Jeff Shoulders, your affiant learned that Tressa is in a relationship with Jeff Shoulders and came to the residence to drink with Jeff Shoulders. At the time OST DPS officers arrested Tressa she blew a .169 on a PBT. Tressa was arrested inside the residence where the children were found.

21. Roberta Rita Featherman is an enrolled member of the Oglala Sioux Tribe.

22. [REDACTED] is an enrolled member of the Oglala Sioux Tribe. [REDACTED] is not currently enrolled, but is eligible for enrollment with the Oglala Sioux Tribe.

CONCLUSION

23. Your affiant submits that there is probable cause to believe that Roberta Rita Featherman committed the crime of assault resulting in serious bodily injury in violation of 18 U.S.C. § 113(a)(6).

24. Wherefore, I request the issuance of a criminal complaint and warrant for the arrest of Roberta Rita Featherman.

Further your affiant saith not.

Dated: 11/21/2016


Special Agent Mark Lucas
Federal Bureau of Investigation

SUBSCRIBED and SWORN to in my presence
this 21st th day of November, 2016.



DANETA WOLLMANN
U.S. MAGISTRATE JUDGE

ORDER

Based on the foregoing, it is hereby found that probable cause exists for the issuance of a WARRANT for the arrest and appearance of Roberta Rita Featherman, and it is hereby

ORDERED that such WARRANT be issued.

Dated this 21 day of November, 2016

Danetta Wollmann
DANETA WOLLMANN
U.S. MAGISTRATE JUDGE